

LB 634A, 652, 692, 786,
795, 795A, 817

March 9, 1976

PRESIDENT: Any further discussion? The question is, shall the bill be returned for specific amendment? Record your vote. Record.

CLERK: 27 ayes, 7 nays on the motion to return, Mr. President.

PRESIDENT: The bill is returned. Please read LB 652.

CLERK: Engrossed legislative bill 652 introduced by Senator Moylan of the 6th District. Read on Final Reading.

(RECORDING MACHINE TURNED OFF FOR READING OF LB 652, LB 692, LB 786, LB 795, LB 795A ON FINAL READING.)

PRESIDENT: Please read on Final Reading LB 817, a constitutional amendment.

CLERK: I have a motion on the desk, Mr. President.

PRESIDENT: Read the motion.

CLERK: I move to return LB 817 to Select File for a specific amendment. Read amendment. See page 1006, Journal. Signed Senator Murphy.

PRESIDENT: Senator Murphy.

SENATOR MURPHY: Gentlemen, I feel that we are making a very costly and severe mistake with respect to the structure of our total state government by permitting this bill to continue in this form. I think it is unfortunate enough that we have to take this route in order to acquire special judges for special people but I think it is extremely unfortunate that we would jeopardize the balance of power in this state by destroying the present percentage that it takes for the Supreme Court to overrule the actions of this Legislature. Before this bill, it required 70% of the judges to conform in an opinion that would override something that we have done. We now have added two judges to that. We have reduced it to just a fraction over 50%. We have increased it to nine which could concentrate, without any intent whatever, but by pure and simple background a majority of judges in a given region with the ability to override the actions of this Legislature. Now if we are going to insist on enlarging the court, Lord knows the Supreme Court managed to struggle along, the federal, with nine judges, but if we are going to increase this to nine, I think it is beholding upon us to preserve the balance of power between the Supreme Court and this body by reinstituting that 70% that it takes to overrule an action we here take. So I am, accordingly, asking that we bring this bill back, that we strike the